IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5174 OF 2007

Mahatma Gandhi Seva Mandir] .. Petitioner

Versus

1. The State of Maharashtra & 4 ors.] .. Respondents

Mr. P.N. Karlekar for the petitioner.

Mr. C.R. Sonawane, AGP, for the respondents No.1 to 3.

None for the respondent No.4.

Mr. H.S. Venegaonkar for the respondent No.5.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 10TH OCTOBER, 2007

P.C. :

1. Heard learned counsel.

2. Respondent No.4 is a society registered under the Societies Registration Act and is also a public trust. It was running a school at village Gudhe. The Management of the school i.e. respondent No.4 decided to transfer the school to respondent No.5-trust. Accordingly, they applied for permission and the permission has been granted. That order granting permission is impugned in this Petition.

3. According to the petitioner, the petitioner was the founder of the school and a member of the respondent No.4-society and he ought to have been heard before passing the order. Previously, the petitioner had filed two Writ Petitions in which order was passed by this Court directing the Education Department to grant hearing to the petitioner. Accordingly, the petitioner was heard and order has been passed after hearing the petitioner. In our view, there appears to be a private dispute between the petitioner and the present Management of the respondent No.4. Writ is not an appropriate remedy for settlement of such private dispute between the petitioner and the respondent No.4. In any event, we do not see any illegality in the order passed by the respondent No.2 granting permission for transfer of the Management of the school.

4. Writ Petition is, accordingly, rejected summarily.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]